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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAMIRO CERVANTES,

Defendant.

CASE NO. 1:21-CR-00226-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: April 6, 2022
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on April 6, 2022.
2. By this stipulation, defendant now moves to continue the status conference until June 29 2022, and to exclude time between April 6, 2022, and June 29 2022, under the Speedy Trial Act.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports, photographs, body camera recordings, and recorded jail phone calls. All of this discovery was provided directly to prior defense counsel and/or made available for inspection and copying. The government is in the process of providing this discovery to the undersigned defense counsel, who was recently appointed by the court.

1 b) Counsel for defendant desires additional time conduct investigation into the
2 charges, review discovery, and consult with his client and the government regarding potential
3 resolution.

4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking
6 into account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of April 6, 2022 to June 29 2022,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results
14 from a continuance granted by the Court at defendant's request on the basis of the Court's
15 finding that the ends of justice served by taking such action outweigh the best interest of the
16 public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 29, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ KATHERINE E. SCHUH
KATHERINE E. SCHUH
Assistant United States Attorney

Dated: March 29, 2022

/s/ Timothy Hennessy
Timothy Hennessy
Counsel for Defendant
RAMIRO CERVANTES

ORDER

IT IS SO ORDERED.

DATED: 3/31/2022

Sheila K. Oberto
THE HONORABLE SHEILA K. OBERTO
UNITED STATES MAGISTRATE JUDGE